

House Bill 1335 (AS PASSED HOUSE AND SENATE)

By: Representatives Day of the 163rd, Crawford of the 127th, Amerson of the 9th, Horne of the 71st, Hanner of the 148th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 35-3-34.1 of the Official Code of Georgia Annotated, relating to the circumstances when an exonerated first offender's criminal record may be disclosed, so as to authorize state or local law enforcement units and the Georgia Peace Officer Standards and Training Council to review first offender record information when hiring a law enforcement officer for a certified position or otherwise review the criminal history of applicants, candidates, or peace officers; to amend Code Section 42-8-63.1 of the Official Code of Georgia Annotated, relating to first offender probation discharges that disqualify individuals from employment, so as to permit consideration of such a discharge when employing a law enforcement officer for a certified position or when considering an applicant, candidate, or peace officer's certification status; to change certain provisions relating to the disqualification of individuals from employment based on first offender probation discharge information and the disclosure of exonerated first offender records; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 35-3-34.1 of the Official Code of Georgia Annotated, relating to the circumstances when an exonerated first offender's criminal record may be disclosed, is amended by designating the existing provisions as subsection (a) and inserting a new subsection (b) to read as follows:

"(b) First offender records including records of arrests, charges, or sentences may be released to any law enforcement unit and the Georgia Peace Officer Standards and Training Council where the request for information is an inquiry about a person who has applied for employment in a certified position or a person who is an applicant, candidate, or peace officer as defined in Code Section 35-8-2."

SECTION 2.

Code Section 42-8-63.1 of the Official Code of Georgia Annotated, relating to first offender probation discharges that disqualify individuals from employment, is amended by designating the existing provisions as subsection (a) and inserting a new subsection (b) to read as follows:

"(b) Any discharge under this article may be used to disqualify a person from acquiring or maintaining a peace officer certification as provided for in Chapter 8 of Article 35 and also may disqualify a person from employment in a certified position with a law enforcement unit where the discharge under this article pertained to a felony offense or a crime involving moral turpitude."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.